

**IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOHN THOMSON,	:	
	:	
Plaintiff	:	CASE No. 1:23-cv-00099-SEB-MG
	:	
v.	:	Judge Sarah Evans Barker
	:	
ROCHE DIAGNOSTICS CORPORATION,	:	Magistrate Judge Mario Garcia
	:	
Defendant.	:	

**DEFENDANT’S UNOPPOSED MOTION TO SEAL
CERTAIN EXHIBITS ATTACHED TO THREE DEPOSITION
TRANSCRIPTS FILED IN SUPPORT OF DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT**

Comes now Defendant, Roche Diagnostics Corporation (“Roche” or “Defendant”), by and through its counsel, pursuant to Southern District of Indiana Local Rule 5-11(d), (e), and respectfully files this motion to maintain certain exhibits presented to Plaintiff John Thomson (“Plaintiff”), Jason Fowler, and Ron DiNizo in their depositions in this lawsuit. Defendant is moving for summary judgment and the three transcripts are being filed with this Court. This Court has previously sealed exhibits attached to Plaintiff’s Complaint and Defendant’s Answer. (Doc. #37, 48 and 50).

This Motion seeks to confirm that deposition exhibits covered by this Court’s prior Orders continued to be sealed and to seal additional exhibits presented to the three deponents that are consistent with one document sealed that was attached to Defendant’s Answer. The deposition exhibits from the three depositions that should be sealed are:

- Deposition exhibits from Plaintiff’s deposition: (1) Exhibit 1: 2018 RDC-107; (2) Exhibit 2: 2018 Incentive Compensation Plan (“ICP”); (3) Exhibit 3: 2019 RDC-107; (4) Exhibit 4: 2019 ICP; (5) Exhibit 5: 2020 RDC-107; (6) Exhibit 6: 2020

ICP; (7) Exhibit 7: 2021 RDC-107; (8) Exhibit 8: 2021 ICP; and (9) 2022 RDC-107;

- Deposition exhibits from Jason Fowler's deposition: (1) Exhibit 1: 2018 RDC-107;; (2) Exhibit 5: 2018 ICP; (3) Exhibit 6: 2019 ICP; (4) Exhibit 9: 2020 ICP; (5) Exhibit 14: 2020 RDC-107; (6) Exhibit 15: 2021 RDC-107; (7) Exhibit 19: 2021 RDC-107; (8) Exhibit 21: 2022 ICP; (9) Exhibit 23: January 2022 RDC-107; and (10) Exhibit 24: May 2022 RDC-107; and
- Deposition exhibits from Ron DiNizo: (1) Exhibit 1: 2018 RDC-107; (2) Exhibit 5: 2018 ICP; and (3) Exhibit 24: May 2022 RDC-107.

This Court has previously sealed the 2018, 2019, 2020, 2021, and 2022 ICP. (Doc. #50). This Court has also previously sealed the January 2022 RDC-107. (Doc. #37 and 48). This Motion seeks to keep these documents under seal and to also seal the other versions of RDC-107 presented to the witnesses for the same reasons that this Court sealed the January 2022 RDC-107. (Doc. #48). These deposition exhibits are Defendant's trade secret, and as such, Defendant's interest in privacy supersedes the interests of the public to have them disclosed.

Counsel met and conferred on this issue before this Motion was filed. This Motion was reviewed with Plaintiff's counsel before filing and Plaintiff does not oppose the Motion. Plaintiff has previously moved to seal the ICP and Plaintiff has not opposed the sealing of RDC-107. A brief Memorandum in Support of this Motion is attached hereto.

WHEREFORE, Defendant respectfully requests an order from the Court finding that Deposition exhibits 1-9 from Plaintiff's deposition, exhibits 1, 5, 6, 9, 14, 15, 19, 21, 23, and 24 from Fowler's deposition, and exhibits 1, 5, and 24 of DiNizo's deposition be filed under seal

because they are trade secrets of the Defendant and that good cause exists to maintain said exhibits under seal throughout the course of this litigation.

Respectfully submitted,

/s/ David A. Campbell

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February, 2024, the foregoing was filed through the Court's CM/ECF electronic filing system. A copy of this filing will be sent to all parties through the court's ECF system.

/s/ Hunter T. Edmonds

Hunter T. Edmonds